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SIPDIS

SENSITIVE

DEPARTMENT FOR G/TIP, WHA/CEN, WHA/PPC, INL, DRL, PRM
DEPARTMENT OF LABOR FOR ILAB
AID FOR LAC

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SUBJECT: TIP BILATERAL MINISTERIAL MEETING RESULTS

This is an action request for G/TIP. See para 2.

¶11. (SBU) Summary: The Ambassador and Embassy anti-TIP team met with the Government of Guatemala inter-institutional group to combat TIP on June 22 to formally present the 2004 TIP report and urge continued progress combating TIP. The GOG's reaction to the release of the 2004 Trafficking in Persons Report was generally positive, although VP Stein publicly differed with the unilateral nature of the report's judgments. The Ambassador conveyed Action Plan areas we hope to see progress in the remainder of 2004 and briefed the group on the Watch List interim report due in six months. MFA VM for Migration and Human Rights, Marta Altolaguirre, reaffirmed the Berger Government's commitment to combat TIP and described the GOG's new National Strategy against TIP and Alien Smuggling and Victims Assistance. The strategy will be refined over coming weeks by a series of working groups, and will be presented with a request for funding assistance to the international donor community. For our part, as we pressed the GOG for "actions, not words," we were once again in the awkward position of reporting "no decisions yet" on GOG funding requests. End Summary.

¶12. (SBU) Action Request: Embassy requests G/TIP support for pending project assistance for Guatemala to strengthen prosecutions and support GOG victims assistance efforts. End Summary.

Background

¶13. (U) This was the Ambassador's fourth meeting with the inter-institutional group, organized at our request. The GOG included 44 representatives from institutions from all three branches of government: high-level officials from the Ministry of Foreign Affairs, the Vice Minister of Government, the Supreme Court acting president, the director general of the Secretariat for Social Welfare, the Director General of the Immigration; and the governor of the province of Guatemala. Officials from the National Civilian Police, Presidential Secretariat of Strategic Analysis, Secretariat for Women, Solicitor General's Office, and Department of Labor also attended. This was the first time the GOG invited an NGO (ECPAT) to attend; the IOM was also represented, as in a previous meeting. The Ambassador was accompanied by the DCM, TIPCoord, HROff, PAOff, DHSOff, and an AID representative.

¶14. (U) In press outreach prior to the meeting TIPCoord and DHSOff credited the Berger government for its new commitments to combat TIP, which merited its inclusion in the Tier II Watch List. Some political sensitivities remain on the GOG side, however, as demonstrated by VP Stein's public statement criticizing unilateral USG judgment of other countries' performance on this and other issues. VM Altolaguirre publicly welcomed the report, cited the urgent need to strengthen weak statutes against TIP-related crimes, and stated that due to resource constraints, the GOG will request international assistance to help victims.

GOG Presentation

¶15. (SBU) Vice Minister Altolaguirre opened the meeting and after introductions described the advances made by the GOG since the last bilateral meeting in February, including:

-- Guatemala deposited the instruments of ratification of the TIP and Alien Smuggling Protocols of the Palermo Convention in the UN on April 1.

-- The GOG signed a Memorandum of Understanding with Mexico to the Protection of Women and Minor Victims of TIP and Alien Smuggling on the Guatemala-Mexico border.

-- The Directorate of Migration has entered into an agreement with the National Immigration Institute of Mexico for the Dignified, Secure and Ordered Overland Repatriation of Central Americans.

-- On March 9, the Section for Crimes of TIP was created in the Criminal Investigative Service of the National Civilian Police.

-- There are two proposals before Congress to broaden and stiffen sanctions against TIP and TIP-related crimes. The government is considering developing an integrated proposal for comprehensive reform of the penal code.

-- Since March, eleven joint operations (involving police, prosecutors, and immigration officials) have been carried out nationwide, with 217 women deported, two arrest warrants issued against nightclub owners, and 12 minors rescued from prostitution. Prosecutors reported that five sentences have been issued against traffickers for the crime of pimping minors; the prosecutor's office has appealed one so far, seeking a stronger sanction. (Note: Prosecutors earlier reported 23 cases opened against 17 individuals for TIP-related crimes.) Police reported that in Guatemala City this year, there have been 306 detentions of foreign prostitutes (102 Hondurans, 97 Salvadorans, 96 Nicaraguans, five Brazilians, three Russians, one Costa Rican, and one Mexican; 25 people arrested for TIP-related crimes; and 10 minors rescued from prosecution.

-- The government will open a shelter specifically for integrated attention and social reintegration of victims of sexual exploitation in Coatepeque, Quetzaltenango province, which will have a capacity for 80 victims.

-- The Secretariat of Social Welfare has developed a publicity campaign to prevent commercial sexual exploitation, with help from the Secretariat of Social Communication and from private sources.

-- The Government has created a National Commission to Combat Sexual Exploitation of Minors and Adolescents, to implement its National Plan with the same goal.

-- the GOG has developed a National Strategy Against TIP, Alien Smuggling and to Assist Victims.

16. (SBU) The goal of the National Strategy is to strengthen the capacity of the government to combat TIP and alien smuggling through coordinated efforts of government, international aid agencies and civil society. The strategy includes eight priority areas, as follows: legislation, prosecution and sanction, prevention, training, legal protection (of victims), information (sharing), and assistance to victims. Goals have been developed for each area, and a sub-grouping of members of the inter-institutional group has been assigned responsibility to elaborate activities under each thematic area to achieve these goals (in addition, NGOs are to be invited to participate in the working group on victims assistance). Next steps include development and approval of a comprehensive Action Plan, which will be presented to international aid agencies with a request for financing. Implementation, monitoring and evaluation of the plan will follow. General coordination of these efforts will remain in the Ministry of Foreign Affairs, which will be advised by the International Organization for Migration (IOM).

17. (SBU) Immigration DirGen Oscar Cordoba emphasized the importance of the new accord with Mexico on dignified return, which will return Central American deportees from Mexico (over 160,000 last year, more than half of whom were non-Guatemalan, and increasing) to cities inside their countries of origin. This will cut down on Guatemala's TIP problem which was exacerbated by Mexico's former practice of leaving deportees at Guatemala's border, where many fell victim of TIP. Cordoba said the Directorate General of Immigration had radically changed its focus under his leadership toward respecting the human rights of migrants and assisting victims, and working in a coordinated fashion with prosecutors and police in operations. He said the GOG is considering granting amnesty to "regularize" illegal migrants currently in Guatemala and would be seeking advice on how to implement such an amnesty program from the U.S. and Mexico.

Ambassador's Response

18. (U) The Ambassador thanked the GOG for its efforts, and noted that the recently-issued USG TIP report reflects our view that the GOG is committed to addressing this problem. The report contrasts the performance of the current government with the previous one, and took note of the memorandum of understanding with Mexico, stepped-up operations to rescue victims. The Tier II rating reflects USG confidence in the GOG's commitment; its inclusion in the Watch List requires us to update progress made implementing these commitments within six months and so gives Guatemala the opportunity to improve its standing. The Ambassador described ongoing USAID support to an NGO providing shelter

and vocational training to over 100 victims and potential victims of TIP in Tecun Uman on the Mexican border, and said we hope to hear soon about additional USAID funding to build on this project. DOJ specialized anti-TIP training will be offered in Guatemala, currently scheduled for October (Note: since advanced to August). He said we are also considering ways to support the work of the anti-TIP prosecution unit. Finally, the Ambassador praised the GOG's planned prevention campaign, and offered Embassy technical assistance in support.

19. (U) After praising the GOG's anti-TIP strategy the Ambassador requested that the GOG keep the Embassy informed over the next six months of:

--progress on rescues, arrests, prosecutions and sentences in the next six months; he requested the GOG to designate an official who might provide these statistics.

--collaboration with NGOs including Casa Alianza.

--any GOG estimates of the number of foreign sex workers resident in Guatemala. (DirGen Cordoba pledged to look into this.)

--prosecution of a corrupt police official arrested for kidnapping and TIP-related crimes. (VM of Government Angel Conte hinted there would be further revelations in this case.

Press reported on June 24 that the arrested official is also being charged with involvement in a car theft ring. Note: kidnapping, car theft and prostitution rings are mainstays, with narcotics trafficking, of organized crime here.

--progress in implementation of GOG collaboration with Mexico on TIP.

--progress of legislative reforms.

110. (U) The Ambassador also suggested to Altolaguirre that the GOG build on this cooperation with Mexico by establishing a direct bilateral TIP information exchange mechanism with the governments of Ecuador, Mexico, Belize, Honduras, El Salvador and Nicaragua. In response to a query from VM Altolaguirre, the Ambassador encouraged the GOG to keep USG TIP officials informed through regular visits to Washington.

Comment

111. (SBU) The comprehensive planning and effort that went into the GOG presentation and strategy document is impressive and reflect the GOG's political will to combat trafficking in persons and is a good faith effort to seriously address trafficking. In addition to the commitments expressed by the inter-institutional group, that political will has repeatedly been expressed by President Berger, Vice President Stein, and Foreign Minister Briz in meetings with the Ambassador. The GOG is facing immense budgetary constraints and competing demands on the revenue base it is working hard to expand. In this context we believe it essential to offer USG support where possible and look forward to early decisions from USAID and G/TIP on our funding requests. It has become increasingly awkward to press the GOG for "actions, not words" while we have so far offered only words, not actions, on their requests for funding on victims assistance (USAID) and aid to the Office of the Special Prosecutor for Women (G/TIP).

HAMILTON